



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of September 17, 2003

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of August 13, 2003 meeting

OLD BUSINESS

2. Contributors to Think About It

The Commission mailed to Think About It (the pro-casino PAC) a letter inquiring whether the PAC's two contributors (Thomas Tureen and Marnell Carrao) had received funds from other sources that might obligate the two contributors to file campaign finance reports. The PAC submitted a response through its attorneys.

NEW BUSINESS

Penalty Determinations

3. Lawrence P. Greenlaw, Jr.

Mr. Greenlaw was a candidate for County Commissioner of Hancock County in 2002. He did not initially file the 42-day post-election report that was due December 17, 2002. Candidate Registrar Gina Pelletier spoke with the candidate on the filing deadline, and he responded that he would send the report that day. Two letters were mailed to him on December 27, 2002 and January 13, 2003. In response to further correspondence from the Commission, he filed the report on July 21, 2003. Because of the seven-month delay in filing the report and because of one previous violation, the statutory penalty is \$2,753.55.

Recommendation: assess a penalty of \$2,753.55.

4. Shawn MacDonald

Mr. MacDonald was a traditionally funded candidate for the House of Representatives in 2002. He filed the 6-day pre-general election report on time on October 30, 2002, but it failed to substantially comply with the requirements for the report because it did not

include \$1,400 in contributions received between October 8 and 24, 2002 and an expenditure in the amount of \$942.38 made during that period. He also failed to file a 42-day post-election report that was due December 17, 2002 that should have disclosed a \$682.50 expenditure made on October 29, 2002. These transactions were finally disclosed in a campaign finance report dated July 14, 2003. The statutory penalties are \$5,000 for the incomplete October 30, 2002 report and \$4,218.88 for the failure to file the December 17, 2002 report.

Recommendation: the staff wishes to defer making its recommendation until the September 17, 2003 meeting.

5. Mainers for Health Care

Mainers for Health Care filed a PAC report that was due April 10, 2003 four days late. The statutory penalty is \$1,923.64. The PAC argues that it should not be penalized for the late reporting of non-electoral activity, and that expenditures that are unrelated to an election should not be included in the statutory calculation of the penalty.

Recommendation: assess a penalty of \$961.82 (50% reduction for first late filing)

6. Referral to Attorney General - People for a Strong Maine Economy and its treasurer, Richard Pelletier.

On April 9, 2003, the Commission assessed a penalty of \$942.24 against People for a Strong Maine Economy for failing to timely file 48-Hour PAC reports of expenditures made during the period of October 26-28, 2002. The Commission staff mailed two collection notices to Mr. Pelletier, including one dated August 22, 2003 stating that the matter would be referred to the Attorney General's Office. The Executive Director has left telephone messages on the phone number that Mr. Pelletier listed on the PAC's July 15, 2003 report, but he has not responded.

7. Report on Maine Clean Election Fund

The Maine Clean Election Act requires the Commission to publish an estimate of revenue available for payments to certified candidates in the 2004 elections, and an estimate of the likely demand for Clean Election funds. The Executive Director will present a draft report for the Commission's consideration at the September 17, 2003 meeting.

8. Possible Changes to Election Law and Commission Rules

At the August 13, 2003 meeting, the Commission suggested that its staff provide a preliminary list of subject areas that might be appropriate for amendments to the Commission Rules or the Election Law. Attached are memoranda by the current and former directors of the Commission.

9. Request from Rep. Brian Duprey Regarding 2004 Seed Money Contributions

Rep. Brian Duprey is currently a member of the House of Representatives. He filed a Declaration of Intent to run as an MCEA candidate for State Senate in 2004, for which he is permitted to collect up to \$1,500 in private seed money contributions. He has reported receiving \$875 in seed money contributions, and states that he has made a \$227.85 expenditure for bumper stickers that say "Duprey for Senate."

Duprey is now considering *not* running for State Senate in 2004 and, instead, running to be re-elected to his current seat in the House. He asks whether he could terminate his Senate campaign, dispose of his campaign balance of \$647, and run a new campaign for his House seat as an MCEA candidate. One potential obstacle is that he has exceeded the maximum amount of seed money he would be allowed to collect for a House race (\$500). Another issue is whether the bumper stickers should be charged to his House campaign as expenditures.

10. Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT